



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912**

**Certified Mail
Return Receipt Requested**

JUL 22 2014

Mr. Ralph M. Packer, Jr., President
RM Packer Company, Inc.
188 Beach Road
Vineyard Haven, MA 02568

Re: Request for Information Pursuant to Sections 308(a) and 311(m) of the Clean
Water Act, 33 U.S.C. §§ 1318(a) and 1321(m), Docket No. 14-308-23

Dear Mr. Packer:

On July 8, 2014 EPA sent you by certified mail the information request below. It has come to our attention that the copy that was mailed to you inadvertently was missing pages. By this letter, we are resending you the request.

On April 1, 2014 the U.S. Environmental Protection Agency (the "EPA") inspected the R.M Packer Company, Inc. facilities located at 188, 190, and 199 Beach Road, Vineyard Haven, Massachusetts (the "Facility"). The purpose of this inspection was to review the Facility's industrial process and stormwater sources and discharges, review certain oil storage and distribution operations under EPA's September 29, 2008 Multi-Sector General Permit for Industrial Activity ("2008-MSGP"). As you are aware, EPA has also been investigating this Facility's compliance under the federal Clean Air Act. As a result of problems identified under the Clean Air Act, EPA has issued a notice of violation and has proposed an administrative order on consent to the company. EPA has also investigated the Facility's compliance with the Oil Pollution Prevention regulations promulgated under section 311 of the Clean Water Act (the "SPCC" regulations) and, as of the April 1, 2014 inspection, the company had not yet installed certain alarms.

This Request for Information is limited to the Facility's compliance issues under the 2008-MSGP. EPA anticipates, however, that the company will be addressing *all* areas of noncompliance in a timely manner.

During the April 1, 2014 inspection, EPA inspectors observed certain problematic industrial stormwater and oil storage management practices at the Facility. Problems include, but are not limited to, oil storage containers and drums being stored outside with residual amounts of oil remaining in them without secondary containment, oil sheen/stains, material

spills, and residual debris exposed to stormwater in certain locations throughout the Facility without control measures or best management practices ("BMPs") in place.

Additionally, the Facility's May 13, 2002, Stormwater Pollution Prevention Plan ("SWPPP") is not up-to-date and does not fully reflect all current "on-the-ground" conditions and industrial activities taking place at the Facility. For example, the Facility's SWPPP does not address industrial activities being conducted at the marine railway, additional locations where oil storage containers are present, storage for municipal bio-solids, scrap metals, and aggregate materials, and drum crushing operations. Finally, at the time of the inspection, the Facility was not able to provide inspectors with certain MSGP implementation documentation, i.e., stormwater monitoring results, visual outfall and site inspection reports, annual comprehensive site reports, and employee training records.

Section 308(a) of the CWA, 33 U.S.C. §1318(a), authorizes EPA to require any owner or operator of a point source to provide information needed to determine whether there has been a violation of the CWA. R.M. Packer Company is hereby required, pursuant to Section 308(a) of the CWA, 33 U.S.C. 1318(a), to respond to the questions in Attachment B to this Request for Information (the "Request") **within 30 calendar days of receipt of this letter**. In addition, this Request directs R.M. Packer Company to begin monitoring, **within five (5) calendar days of receipt of this letter**, all process (if applicable) and stormwater discharges from the Facility in accordance with the monitoring program outlined in Attachment C.

Please read the instructions in Attachment A carefully before preparing your response and answer each question as clearly and completely as possible. Your responses to this Request must also be accompanied by a Statement of Certification signed and dated by the person who is authorized to respond to the Request. The Statement of Certification is in Attachment D. Information submitted pursuant to this Request shall be sent by certified mail, and shall be addressed as follows:

United States Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Attention: Joseph Canzano, P.E.
Region I Oil Spill Prevention and Stormwater Compliance Coordinator
Water Enforcement Office, Mail Code OES04-4

Please be advised that noncompliance with the National Pollutant Discharge Elimination System ("NPDES") Regulations or the Oil Pollution Prevention Regulations constitute a violation of the CWA for which both injunctive relief and penalties can be sought. EPA reserves its right to take further enforcement action pursuant to the CWA, and other applicable laws, including the right to seek penalties, for any violations detected at the above-referenced inspection. Although subsequent compliance with the NPDES or Pollution Prevention Regulations does not preclude EPA from seeking penalties for violations of the CWA based on this inspection, your prompt response towards coming into

full compliance with the law will be taken into account in determining EPA's enforcement response.

Compliance with this Request is mandatory. Failure to respond fully and truthfully or to adequately justify any failure to respond within the time frame specified above also constitutes a violation of the CWA subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses the opportunity to submit comments on regulatory enforcement at the time of an EPA enforcement action. The enclosure contains information regarding your rights, and describes compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. EPA routinely provides this information to businesses whether or not they qualify as small businesses, as defined by the Small Business Administration. Please be aware that availing yourself of this opportunity does not relieve your facility of its responsibility to comply with applicable federal and state laws and regulations.

The company may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to the companies.

If you have technical questions regarding this Request, please contact Joseph Canzano at 617-918-1763 or at canzano.joseph@epa.gov, or for legal questions have your attorney contact Toni Bandrowicz at 617-918-1734 or at bandrowicz.toni@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Chow" followed by a stylized flourish.

James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Attachments

Attachment A

Instructions

1. Provide a separate narrative response to each and every question and subpart of a question set forth in this Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, explain.
3. Any documents referenced or relied upon by you to answer any of the questions in the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the question and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.

If information or documents not known or not available to you as of the date of the submission of the response to this Request for Information should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify the EPA of this finding as soon as possible and provide a corrected response.

Attachment B

General Process and Stormwater Wastewater Questions

1. From January 1, 2010 to the present, provide a separate response for each of the following questions and for each of the following properties in Vineyard Haven, Massachusetts, collectively referred to as the "Facility": 188 Beach Road (Fuel Delivery Truck Loading Area), 190 Beach Road (Barge Dock, Storage Yard, Maintenance Garage and adjacent Marine Railway), and 199 Beach Road.
 - a. General Industrial Process Wastewater Questions:
 - (1) Identify and list all unit operations¹ that generate an industrial process wastewater, i.e., vessel hull and deck pressure washing, equipment cleaning, tanker truck and commercial vehicle washing. Provide a brief description of the operation.
 - (2) For each listed operation that generates an industrial process wastewater, provide an estimated or actual daily maximum and monthly average flow rate (in gallons) for each discharge. If flow rates are estimated, provide assumptions and rationale.
 - (3) Provide a copy of all permits issued for the discharge for process wastewater discharges. Provide, if available, any and all analytical discharge monitoring results for the discharges. Results shall be provided in chronological order using tabular format and organized by discharge locations or outfalls.
 - (4) Describe all pollution control equipment and structures (i.e., settling tanks, oil and grit separators, sedimentation catch basins and or filtering media) along the wastewater flow path from the source to the discharge point.
 - (5) For each identified operation which generates a process wastewater discharge show, on a site diagram, the exact location of the operation. Explain and show the hydrological path for wastewater flows from the operation to the discharge location, and also show any permanent or temporary piping and pumps, tanks and catch basins, oil/grit separators, outfall pipes, etc.
 - (6) Explain in detail, and show on the site diagram, all locations where there was, or continues to be, an actual or potential for process wastewaters to discharge from the Facility to surface waters.
 - (7) If there have been any modifications or changes to process wastewater flows and or

¹ For the purpose of this letter, an "operation" is a complete manufacturing or individual industrial process which generates an industrial wastewater such as, but not limited to, equipment cleaning/rinsing, material contact and noncontact cooling waters, vehicle washing, tank/drum cleaning wastewaters, wastewaters from oil/grease separator units, engine testing and cooling waters, building floor washing, boat hull and deck power washing, drain, piping and trench cleaning, bilge wastewaters, etc.

pollution control equipment, describe each modification in detail and including dates. Also explain the reasons for the change and provide the total and itemized costs for the change(s).

b. General Stormwater Questions:

- (1) Provide a complete copy of the SWPPP being implemented by the Facility at the time of EPA's inspection, and any amendments or changes since EPA's inspection on April 1, 2014.
- (2) Specify the Facility's primary and secondary Standard Industrial Classification (SIC) codes.
- (3) Specify the name(s) of each qualified person responsible for the implementation of the SWPPP. This includes, but is not limited to, personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the Facility, and who can also evaluate the effectiveness of control measures. Provide documentation that indicates the person(s) qualifications, education and or stormwater training certificates.
- (4) Specify the name of each person who conduct stormwater inspections, monitoring, maintaining control measures including Best Management Practices ("BMPs"), recordkeeping and SWPPP updating. For each person listed, provide employee training records relating to stormwater, the person's title and responsibilities, period of employment, and whether the individual is/was a Facility employee or contractor.
- (5) Provide the following stormwater documents required by EPA's September 29, 2008 Multi-Sector General Permit for Industrial Activity ("2008-MSGP") in chronological order:
 - (i) Annual Comprehensive Site Inspections. If inspections have not been conducted and or documented, explain.
 - (ii) Quarterly Outfall Visual Assessment Inspections conducted at each stormwater discharge point/location. If inspections have not been conducted and or documented, explain.
 - (iii) Routine Facility Inspection Documentation. If inspections have not been conducted and documented, explain.
 - (iv) Effluent stormwater analytical monitoring results and applicable Chain-of-Custody forms including benchmark monitoring sample results. For each result, please clearly indicate from which discharge point/location the sample was collected. Please note nomenclature used to describe each outfall and be as specific as possible when providing a response for this question. Monitoring results shall be provided in chronological order and each outfall using tabular format.

- (6) List and describe, in detail, all industrial activities²; include the period of time and dates during which the activities occurred or continue to occur, and provide the following:
- (i) State which industrial activities are exposed to stormwater, i.e., aggregate material and bio-solids storage. If the activity is not exposed to stormwater, describe the control measure(s)³ which prevents the activity from being exposed, i.e., storm resistant coverings, roof assembly, tarpaulin, fixed or portable covering systems, etc.
 - (ii) For industrial activities conducted outside, describe all specific control measures being used to minimize pollutant discharges in stormwaters. Include operation and maintenance schedules for each control measure, i.e., street sweeping, spill clean-up, (i.e. solid or liquid material, oil stains, paint scrapings, grindings, etc.) tank and cleaning, and any other good housekeeping measure.
- (7) If there have been any corrective actions/changes to industrial activities exposed to stormwater and or the activities' control measures, describe the activity and measure pre and post change, explain the reason why the change was made and the dates when the change was originally identified and made. Also, provide the total cost to implement each change. Present the above information in a tabular form and in chronological order.
- (8) In detail, list and describe each stormwater discharge to surface water or wetlands, and its ultimate discharge location from the Facility to the water or wetlands. Name the receiving surface water or wetlands. If unknown, identify the unnamed surface water, and the nearest named surface water or wetland to which the unnamed water flows. If stormwater is not discharged directly to surface waters or wetlands, describe the pathway of the stormwater flow and ultimate discharge location. If the discharge of stormwater has changed, provide a description of the changes and include the period of time and dates when the discharge changed.
- (9) Provide an estimate or, if available, an actual volumetric flow rate (in gallons per month) from each discharge point and the minimum rain storm intensity event(s) that will produce a stormwater discharge;
- (10) Provide a detailed site diagram that meets the conditions set forth in Part 5.1.2 of EPA's October 28, 2008 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (the "2008-MSGP"). The diagram shall clearly show and label:

² For the purpose of this letter, an "industrial activity" means the 10 categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi), and includes, but is not limited to outdoor material storage and transfer, and manufacturing or processing activities, etc.

³ Control measure refers to any Best Management Practice ("BMP") or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

- (i) Industrial activities and materials which have exposure to stormwater;
- (ii) Means by which stormwater flows off the site, i.e., pumped or gravity flow;
- (iii) Drainage diversion and control structures (i.e., detention basins and catch basins, discharge/outfall structures and drainage swales, oil and water separators, etc.) in place to reduce pollutants discharged;
- (iv) Surface waters and wetlands;
- (v) The location of each stormwater discharge point and whether it reaches surface water or wetlands;
- (vi) Industrial activities which generate process wastewaters and ultimate discharge location(s).

2. The following are site specific questions that relate to observations and or information collected by EPA during the April 1, 2014 inspection. When answering the following questions please refer to the appropriately numbered attached photograph(s) at the end of Attachment B.

- a. Inspectors observed piles of scrap metal, aggregate material stock piles and soil staining from oil spills throughout certain areas of the site (photographs 1 through 6).

Since EPA's inspection, describe any changes to the above-mentioned sources to prevent and or minimize exposure, erosion and sedimentation runoff and pollutant releases from the source to surface waters. If changes have been made please detail the change and date the change was made. Regarding photographs 3, 4 and 5 identify the material being stock piled and/or spilled, and the source of the material. Regarding photograph 6, indicate if oil-stained soils have been cleaned up and managed appropriately.

- b. Inspectors were informed that drum crushing is conducted at the facility. Inspectors observed several partially-empty 275-gallon totes and 55-gallon drums, (photographs 7 through 11).

Indicate the frequency at which the drum crushing operations occur, and procedures (if any) for removing residual liquids from drums and totes; include disposal procedures and records, and indicate/characterize fluids removed or not removed from containers. Also provide a statement which indicates if drum/tote washing occurs. If the response is affirmative provide procedures and documentation for wastewater disposal.

- c. Inspectors observed a marine railway operation and were informed that it is used for vessel hull power washing, sandblasting and painting. Inspectors also observed spilled waste paint chips and debris on the dry ground around the railway, (photographs 12 through 16).

Provide a statement which details the operations occurring on the railway by all parties including, but not limited to, R.M. Packer Company, Inc., Tisbury Towing Company, Inc.,

Mr. Peter Wells, or any other persons, and explain any and all control measures that are used to capture and contain process wash water, wastewater, solids and debris. Provide (if available) copies of any contracts or agreements related to the use of the railway. For the period between January 1, 2010 and the present, provide any process wastewater disposal records, i.e., manifest or bill of lading.

For the period between January 1, 2010 and the present, provide the dates when vessels were hauled from the water onto the railway, and the days when hull pressure washing occurred. Indicate the water supply source for the washing and the estimated or actual amount of water used per washing event. Since EPA's April 1 inspection, indicate if spilled waste paint chips and debris have been cleaned up and if good housekeeping measures are being employed at the railway.

- d. Inspectors were informed that stormwaters are periodically pumped from a 5,000-gallon below-grade tank located in the fuel truck loading yard to another area of the site for disposal/discharge, (photographs 17 and 18).

Provide a statement that describes stormwater drainage and disposal procedures for liquids removed from the underground tank, and for the period from January 1, 2010 to the present provide a copy of all drainage inspection records and or any analytical monitoring. If inspection and or monitoring has not been conducted indicate the reason.

- e. Inspectors observed a storm drain near the Facility entrance on 188 Beach Road, (photograph 19).

Indicate the ultimate discharge location for stormwaters entering the storm drain, and provide a copy of all drainage inspection records and any analytical monitoring for stormwaters exiting the Facility and entering the storm drain. If inspections and monitoring have not been conducted indicate the reason.

- f. Inspectors observed a roll-off container on a Tisbury Towing Co. truck containing municipal sludge waste from the Town of Edgartown's wastewater treatment plant; the truck was parked in the yard of 199 Beach Rd. (photograph 20).

Provide stormwater pollution prevention procedures including structural and nonstructural control measures being implemented to insure stormwaters do not come into contact with sludge waste and that no exposure is occurring.

- g. Inspectors observed, in certain locations along the bulkhead located at 190, soil erosion and bulkhead damage, (photographs 21 through 23).

Indicate control measures being used to stabilize soils along the bulkhead to prevent erosion and sediment discharging to surface waters.

End of questions.

Attachment C

Wastewater Discharge Monitoring Program

1. Process wastewater discharge monitoring:

Beginning five (5) days after receipt of this Request and continuing until the discharge of process wastewaters cease, you shall begin monitoring all process wastewater discharges. Monitoring for process wastewaters shall occur at a location where process wastewaters do not commingle with any other non-process wastewater (e.g., stormwaters).

Process sampling and analysis of process wastewaters shall occur weekly and shall continue until the discharge stops permanently. In order to be relieved from sampling and analysis, you must submit a request, and the request must be accompanied by a certification statement that all process wastewater discharges have stopped. Sampling shall be performed during normal operating hours and conditions.

Process sampling and analysis shall be performed for the following pollutants: total copper, total aluminum, total zinc, total lead, total suspended solids ("TSS"), chemical oxygen demand ("COD"), hydrogen-ion concentration ("pH") and oils and greases. Samples collected for pH must be collected as a grab and analyzed instantaneously in the field.

Discharge of process wastewater except in compliance with the terms and conditions of a permit issued pursuant to Section 402 of the Act violates Section 301 of the Act.

2. Stormwater wastewater discharge monitoring:

Within five (5) days of receiving this request, initiate sampling and analysis for each stormwater discharges from the Facility until instructed otherwise.

Stormwater sampling and analysis shall occur at each outfall and discharge point including, but not limited to, stormwaters discharging from the Facility to the storm drain located on Beach Road and the disposal location located in the northwest corner of the site. Refer to photographs 18 and 19 in Attachment B. Also, stormwaters discharging from the marine rail operation shall be sampled at a location that is representative.

Stormwater sampling and analysis shall be performed once per month and for the following pollutants: total copper, total iron, total lead, and total zinc. The collection and analysis of each storm water sample, at each outfall and discharge point, shall be performed during each measurable storm event and in accordance with Part 6. of the *September 29, 2008, Multi-Sector General Permits for Stormwater Discharges from Industrial Activities*, (the "2008 MSGP"). Sampling and analysis events shall also be accompanied by a recorded Visual Monitoring event. Visual Monitoring shall document observations and conditions set forth in Part 4.2 of the 2008 Permit. If adverse climate conditions prevent collection of samples, such conditions must be documented as part of the weekly monitoring reports. Collection of samples shall occur as soon as practicable. For more information on how to collect samples, please refer

to the Agency's *Guidance Manual for the Monitoring and Reporting Requirements of the NPDES Multi-Sector Storm Water General Permit, January 1999*.

3. Sampling and Analysis Protocols and Reporting Requirements:

Sample results from every sampling event shall be reported to the Region within five (5) days of the Facility receiving the results. All sampling and analysis must be performed in accordance with Agency approved test and analytical methods as set forth in 40 C.F.R. Part 136. Sampling reports must contain the following:

- the date of the sampling event;
- the exact location where samples are taken;
- the method(s) used to collect the samples;
- the time of sampling event in relation to the start of the measurable storm event;
- the duration of the storm event;
- the estimated or actual flow rate (in gallons per minute) through each outfall;
- the name of the person(s) collecting the samples;
- the date the analysis was performed;
- the name of the person(s) performing the analysis;
- the analytical techniques/methods used;
- the results of such analysis;
- a certification statement as outlined at 40 C.F.R. § 403.6(a)(2)(ii) signed by the appropriate signatory as defined at 40 C.F.R. § 403.12(l), and
- the chain-of-custody form.

For storm water monitoring, please provide the following additional information.

- the time of sampling event in relation to the start of the measurable storm event;
- the duration of the storm event, and
- the hardness measured as calcium carbonate for surface waters (this only needs to be measured once).

If a sample result is in violation of an effluent limitation, or exceeds a benchmark concentration the Facility must indicate the cause of the exceedance, and explain what actions are being taken, or have been taken, to eliminate future exceedance.

Attachment D

Statement of Certification

Complete and Include With Your Response

I declare under penalty of perjury that I am authorized to respond on behalf of the R.M. Packer Company, Inc. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By

(Print Name)

(Signature)

(Title)

(Date)



R.M Packer Company, Inc.
188 Beach Road
Vineyard Haven, MA 02568
04/01/14 USEPA Inspection



R. M. Packer Company, Inc.
188 Beach Road
Vineyard Haven, MA 02568
04/01/14 USEPA Inspection



R.M. Packer Company, Inc.

188 Beach Road

Vineyard Haven, MA 02568

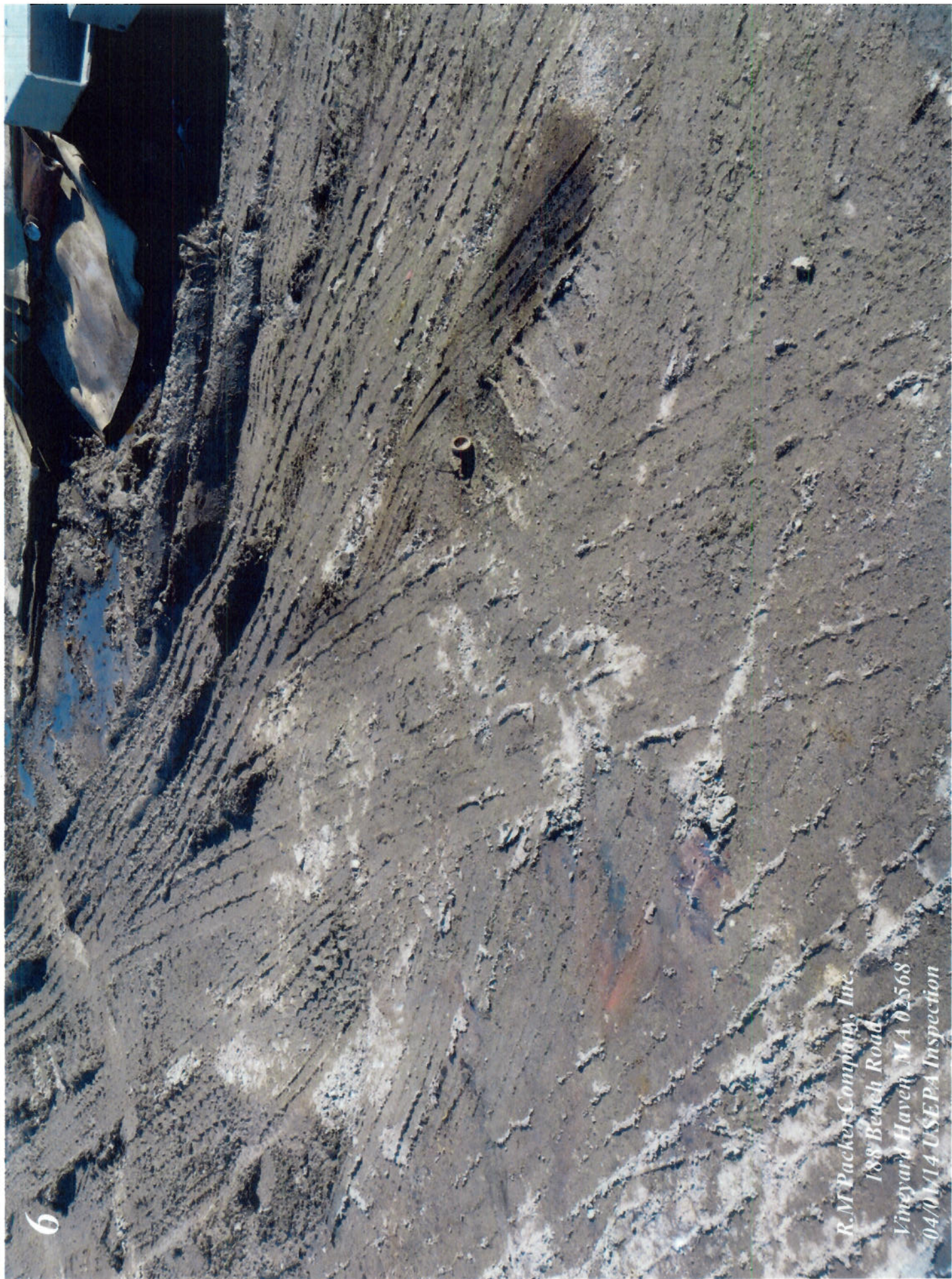
04/01/14



R. M. Parker Company, Inc.
188 Beach Road
Falmouth Haven, MA 02541
WILLIAMS CSEPA Inspection

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R.M Packer Company, Inc.
188 Beach Road
Vineyard Haven, MA 02568
04/01/14 USEPA Inspection



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R.M. Packer Company, Inc.
188 Beach Road
Vineyard Haven, MA 02568
04/01/14 USEPA Inspection



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